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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON  
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8 FELICIA BETH BAUMGARDEN,

9 Plaintiff,

10 v.

11 CAROLYN W. COLVIN, Acting  
12 Commissioner of Social Security  
13 Administration,  
14 Defendant.  
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NO. 2:14-cv-00374-SAB

**ORDER DENYING  
DEFENDANT'S MOTION TO  
ALTER OR AMEND  
JUDGMENT PURSUANT TO  
F.R.C.P. 59(e)**

17 Before the Court is Defendant's Motion to Alter or Amend Judgment  
18 Pursuant to F.R.C.P. 59(e). The motion was heard without oral argument.

19 Defendant argues the Court committed manifest errors of law and fact when  
20 it found the ALJ erred in failing to incorporate the narrative portion of Dr.  
21 Robinson's report. Defendant relied on *Rounds v. Commissioner Soc. Sec. Admin.*,  
22 795 F.3d 1177 (9<sup>th</sup> Cir. 2015). However, this opinion was recently amended.  
23 Notably, in the amended opinion, the Circuit indicated the ALJ was to consider the  
24 "whole of the [medical source's] opinion, including the narrative portion." *Rounds*  
25 *v. Commissioner Soc. Sec. Admin.*, \_\_ F.3d \_\_, 2015 WL 7958982 \*6 (Dec. 7,  
26 2015 9<sup>th</sup> Cir.) In this case, the ALJ erred when she ignored the narrative portion of  
27 Dr. Robinson's opinion in defining Plaintiff's RFC, especially since Dr.  
28 Robinson's findings regarding Plaintiff's inability to complete a normal workday

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1 and workweek were consistent with the conclusions made by Plaintiff's treating  
2 physicians. Additionally, the Court found the ALJ erred in discrediting Plaintiff's  
3 symptom testimony and erred in rejecting Plaintiff's treatment providers'  
4 testimony. Defendant has not challenged these findings.

5 Accordingly, **IT IS HEREBY ORDERED:**

6 1. Defendant's Motion to Alter or Amend Judgment Pursuant to F.R.C.P.  
7 59(e), ECF No. 17, is **DENIED**.

8 **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
9 file this Order and provide copies to counsel.

10 **DATED** this 29th day of December, 2015.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

16 Stanley A. Bastian  
17 United States District Judge  
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